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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 ELECTRONIC FRONTIER FOUNDATION,)

16 Plaintiff,)

17 vs.)

18 DEPARTMENT OF DEFENSE, ET AL.,)

19 Defendants.)
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Case No. 3:09-CV-05640-SI

**STIPULATION AND [PROPOSED]
ORDER TO AMEND BRIEFING
SCHEDULE**

1 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil L.R. 6-2, Plaintiff Electronic
2 Frontier Foundation (“EFF”) and Defendants Department of Justice, Criminal Division; U.S. Secret
3 Service; Federal Bureau Investigation; and Department of Homeland Security (collectively
4 “Defendants”) hereby stipulate to and respectfully request that this Court extend the briefing
5 schedule for the filing of the parties’ reply briefs related to their dispositive motions. Defendants
6 requested the revisions to the briefing schedule due to the illness of Defendants’ counsel.

7
8 1. Defendants submit that the Declaration of Kimberly L. Herb establishes good cause for
9 the requested enlargement as follows:

10 a. On September 22, 2011, the parties filed a stipulation proposing the following dates
11 for briefing on the parties dispositive motions: Defendants file their motion for
12 summary judgment on October 21, 2011; EFF files its opposition and cross-motion
13 on November 18, 2011; Defendants file their reply and opposition to EFF’s cross-
14 motion on December 2, 2011; EFF files its reply to its cross- motion on December
15 16, 2011; the Court holds a hearing on the parties’ dispositive motions on January
16 13, 2012. The Court granted the parties’ stipulation on September 27, 2011. (Dkt.
17 54.)

18 b. Defendants filed their motion for summary judgment on October 21, 2011. (Dkt.
19 55.) EFF filed its opposition to Defendants’ motion and cross moved for summary
20 judgment on November 17, 2011. (Dkt. 56.)

21 c. Counsel for Defendants became ill on November 21, 2011 with respiratory and
22 sinus infections. She has been out of the office for much of the last ten days due to
23 illness and reactions to medication. As a result, she has not had adequate time to
24 prepare Defendants’ reply brief and requested that EFF grant an extension of the
25 briefing schedule.

26 d. On December 1, 2011, defense counsel conferred with EFF’s counsel regarding the
27 briefing schedule for the parties’ reply brief related to their dispositive motions.

28 The parties agreed to revise the briefing schedule as follows: Defendants file their

2. While the requested enlargement will affect the present briefing schedule for this case, the parties believe a short extension of the briefing schedule is warranted given the circumstances. Furthermore, the parties believe this case will be resolved on summary judgment, and thus this case can be resolved expeditiously after the filing of the parties' motions.

The parties respectfully request that the Court extend the briefing schedule for the filing of the parties' dispositive motions such that they may be filed as discussed in paragraph 1(d) above.

DATED: December 2, 2011

Respectfully submitted,

/s/ Jennifer Lynch

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GENERAL ORDER NO. 45(X) CERTIFICATION

I attest that I have obtained Jennifer Lynch's concurrence in the filing of this document.

/s/ Kimberly L. Herb

Kimberly L. Herb

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Susan Ilston

United States District Judge